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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) CU-2140
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First named inventor: Jan Raa et al.

Application No.: 09/511,582 (CPA)

Art Unit: 1643

Filed: February 23, 2000

Examiner: Jeffery Stucker

Title: NOVEL, NON-ANTIGENIC, MUCOSAL ADJUVANT FORMULATION WHICH MODULATES THE EFFECTS OF SUBSTANCES, INCLUDING VACCINE ANTIGENS, IN CONTACT WITH MUCOSAL BODY SURFACES

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

01/16/2004 EFLORES 00000009 09511582

P.O. Box 1450

01 FC:1453 1330.00 OP

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

 Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. Other than small entity - fee \$ 1,330 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in for Continued Examination
the form of Amendment in conjunction with Request (identify type of reply): has been filed previously on _____
 is enclosed herewith.

B. The issue fee of \$ _____.

 has been paid previously on _____
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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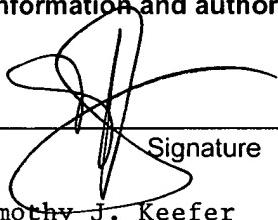
3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1/12/04
Date


Signature
Timothy J. Keefer
Typed or printed name

Telephone
Number: 312/201-2000

Wildman, Harrold, Allen & Dixon LLP
Address

Enclosures: Fee Payment 225 W. Wacker Drive
 Reply Address
 Terminal Disclaimer Form
 Additional sheets containing statements establishing unintentional delay
 Other: Request for Continued Examination

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

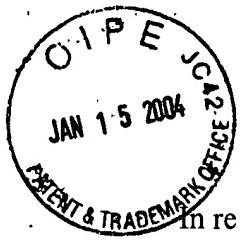
I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

1/12/04
Date


Signature
CHRISTINE M. PAVLYK

Type or printed name of person signing certificate



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Patent Application of:

Jan Raa et al.
TJK

Atty. Docket No. CU-2140

Serial No. 09/511,582 (CPA)

Group Art Unit: 1643

Filing Date: February 23, 2000

Examiner: Jeffery Stucker

Title: NOVEL, NON-ANTIGENIC, MUCOSAL ADJUVANT FORMULATION
WHICH MODULATES THE EFFECTS OF SUBSTANCES, INCLUDING
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Commissioner for Patents
Mail Stop: PETITION
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Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

This petition is in response to the notice of abandonment sent from the Patent Office on May 20, 2003. Enclosed herewith is a check in the amount of \$1330.00 (fee for revival unintentionally abandoned), pursuant to 37 C.F.R. § 1.17(m). Please charge Deposit Account No. 23-2126 for any additional fees that may be required to effect this response. Applicants respectfully request revival of the above-identified application, stating as follows:

- 1) This application became abandoned for failure to respond to an outstanding office action mailed from the Patent Office on April 5, 2002. The Patent Office sent a Notice of Abandonment to Applicants on May 20, 2003.
- 2) This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date for the outstanding office action until the filing of this petition was unintentional, as required by 37 C.F.R. § 1.137(b).
- 3) A response to the outstanding office action is filed herewith.
- 4) A duplicate of this petition is enclosed.

CONCLUSION

In view of the foregoing, Applicants respectfully requests that the Office of Petitions and Commissioner revive the instant application based on unintentional abandonment.

Respectfully submitted,

Timothy J. Keefer
Attorney for Applicants
Reg. No. 35,567

Dated: January 12, 2004

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